

## REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Sol Orchard- Ramona Major Use Permit,  
3300-11-029 (MUP), 3910-11-09-009 (ER)

May 3, 2012

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

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NO

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NOT APPLICABLE/EXEMPT

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Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

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NO

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NOT APPLICABLE/EXEMPT

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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

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NO

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NOT APPLICABLE/EXEMPT

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Discussion:

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the

groundwater demands of the project and thus, the project will not adversely impact groundwater availability.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

***Wetland and Wetland Buffers:***

Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

Not applicable because the project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

***Steep Slopes:***

The average slope for the property is 2.5 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by the ASM project team of Chad Willis and Ian Frasier-Shapiro under the direction of County approved archaeologist Jerry Schaefer on June 2, 2011, and it has been determined there are nine archaeological/historical site(s) located on the parcel where the solar panels will be located; however all nine sites are outside of the major use permit project footprint and the APE. The sites were not tested for significance, because the project was redesigned to allow avoidance of all of the nine sites; they are now outside of the APE and they do not need to be preserved under the Resource Protection Ordinance.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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Discussion:

The project Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is a solar project comprised of self tracking solar panels and transformers and inverters. The site is zoned A72 and is subject to one-hour nighttime average sound level limit of 45 dBA at the project property line pursuant to the County Code Noise Ordinance, Section 36.404. Primary permanent noise sources consist of transformers and inverters. The nearest property line (worst-case) is located 124 feet from these units and would generate a combined sound level of 40.5 dBA at the eastern property line. Project associated corona noise from the transmission lines were also evaluated

and demonstrated to generate levels below the 45 dBA requirement. Temporary construction equipment operations would be comprised of a dozer, grader, loaders, backhoes, water trucks, pneumatic tools, a crane and pile drivers. These temporary operations are subject to the 75 dBA eight hour average sound level requirement at the property lines where existing occupied structures are located pursuant to the County Code Noise Ordinance, Section 36.408 and 36.409. Given the spatial separation of equipment and operations not occurring in one single location for a long period of time, the temporary construction noise levels would comply with the 75 dBA requirement. Pile driver operations are considered an impulsive type of source that is subject to the 82 dBA criteria for 25 percent of the measurement period at the property line pursuant to the County Code Noise Ordinance, Section 36.410. Pile driver operations are typically not continuously operating at full power and based on the Road Construction Noise Model (RCNM) would have a usage factor of 20 percent. A single pile driver would be operating at a distance of 50 feet from the project property lines for a short period of time to install a single panel stand with an installation time of approximately 5 minutes. The pile driver would then move further from the property line to set the next panel stand and continue this process. The duration and distance parameters of the pile driver operations are anticipated to be below the 82 dBA threshold for impulsive noise. Therefore, the project demonstrates compliance with County noise standards.

**VII. CALIFORNIA AERONAUTICS ACT** – Does the proposed project conform to the Act's provisions?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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The project is compatible with the California Land Use Planning Handbook's Safety Compatibility Criteria for Safety Compatibility Zones, based on the type and the intensity of the proposed land use meeting the applicable Safety Compatibility Policies of the Ramona Airport Land Use Compatibility Plan.

**VIII. US Code of Federal Regulations Federal Aviation Regulations, Objects Affecting Navigable Airspace, Title 14, Chapter 1, Part 77** – Does the proposed project conform to the Code's provisions?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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The project would not involve construction of any structures that would require notification to the FAA per the FAR Part 77 criteria related to airspace obstructions.